SOLOMON LINCOLN

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TRIBUTES OF THE BAR

AND OF THE

SUPREME JUDICIAL COURT

TO THE MEMORY OF

Solomon Lincoln

Solomon Lincoln

Born August 14, 1838

Died October 15, 1907

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PROCEEDINGS OF THE BAR ASSOCIATION

Boston, January 22, 1908.

A special meeting of the Bar Association of the City of Boston was held at Boston, in the court room of the Supreme Judicial Court for the Commonwealth, on Saturday, January 18, 1908, to hear the report of the Committee, consisting of Robert M. Morse, Chairman, John D. Long, John C. Gray, Lewis S. Dabney and Henry M. Rogers, appointed to prepare a memorial with reference to the late Solomon Lincoln. Mr. Alfred Hemenway, the President of the Association, presided at the meeting, Robert S. Gorham acting as Secretary. Mr. Robert M. Morse, for the Committee, presented the following

MEMORIAL

The members of the Bar of this County desire to place upon the records of the Court a memorial to Solomon Lincoln, whose recent

death has removed an eminent leader in our profession and a citizen of the highest character and honorable public service.

Mr. Lincoln was born at Hingham, August 14, 1838, and was descended from a long line of worthy and honored New England ancestors. In 1857 he was graduated from Harvard College, one of the youngest, but one of the most scholarly of his class, and for several years after his graduation he was tutor at the College in Greek, Latin and Mathematics.

He was admitted to the Bar in October, 1864, and thereafter formed a partnership with the late Stephen B. Ives, Jr., of Salem, a distinguished lawyer, and this partnership continued for about eighteen years. After its termination and until his death, October 15, 1907, Mr. Lincoln continued in practice, although of late years he had withdrawn from active work in the courts.

Devoted to his professional duties, he yet gave time to the faithful discharge of the many honorable public and official duties which were placed upon him.

He was President of the Bar Association of the City of Boston, of the Board of Trustees

of the Boston Public Library and of the Board of Overseers of Harvard University, and an officer in many learned, business and social organizations.

His qualities of mind and temperament, his fidelity to the interests of his clients, his courtesy and fine sense of propriety in every relation, marked him in our profession, as well as in the varied organizations with which he was connected.

He was a wise, sagacious and learned lawyer, of simple and direct speech, having the most delicate sense of honor; unaffected and genial in his intercourse with all men; and with a great store of wit and anecdote, which made conversation with him delightful.

He was concerned in the trial and argument of many important causes, and his advice was much sought and his legal opinions were of great value.

Political life did not attract him, but he took great interest in public affairs, and was a firm and constant supporter of one political party from the first election of Abraham Lincoln.

He was fond of good books, of foreign travel

and of the company of old friends and genial companions.

His brothers in the law, old and young, bear willing and grateful testimony to the beauty of his character, the simplicity and nobility of his life, and the high standard of his professional attainments and career.

After reading the foregoing memorial Mr. Morse moved the adoption of the following resolution: —

That the Attorney-General be requested to present this memorial to the Court, and to ask that it be entered upon the records of the Court, and that the Secretary of this meeting be requested to send a copy of the memorial to the daughter of Mr. Lincoln, with the expression of our deep sympathy with her in the great loss which she has sustained.

ADDRESS OF JOHN D. LONG

Solomon Lincoln entered the class of 1857 at Harvard with the beginning of its second year. From that time on to his graduation he and I sat side by side on the recitation benches. He quickly and easily rose to his level and in our senior year became our first scholar. His characteristics then were his characteristics all through life, well-tempered, quick in apprehension, mature in character, of a singularly orderly habit, high minded, a model of deportment yet full of humor and open to all the innocent and rational enjoyments and good times of life, winning the absolute confidence of associates and authorities, and equal to whatever trust and duty came to him. I recall him at that time, short and fair, a handsome youth with frank face and honest eyes and always a bearing that united personal dignity with courteous and kindly manner. He had a mind that worked with easy and accurate directness to results and achievement. I should not say that he was a hard student, in

the sense of a dig or grind, if I may use those college phrases, but a masterful and sure one, always superior to his task and giving himself the broader range which made him socially a delightful and contributory comrade. And his life was pure as crystal.

That was the picture of the ideal youth. Another is the enlarged and developed picture of the man in the prime of life, active and leading in his profession — charged with large interests and trusts as a leader at the bar, and with the wider responsibilities which are put upon the wise and trusted citizen who does not seek, but is sought for, posts in civic and social life. His special distinction was in his career as a lawyer. In this he rose to the heights. He had eminently a judicial mind, and was a thorough student and master of the law. I had the honor to offer him a place on the bench. Had he accepted it, it is in my mind beyond question that he would have been promoted to the Supreme Judicial Court and would later have served and died as its chief. His range of practice was large. He was counsel for some of our largest corporate interests at a time, which I trust may return,

when nobody questioned the respectability of employment by a corporation.

He was recognized as an especially wise and safe adviser in chambers; he was also one of the most busily engaged advocates before juries and the judges. In this arena his example was a liberal education to other practitioners, to not only younger men but men of his own age and length of professional life. To him and some contemporaries like him are due the better than the old manners of the bar, the more courteous conduct of cases, and the transition from the brutal treatment of witnesses and the repulsive bickering between opposing counsel, which at one time were regarded as the mark of the smart and popular lawyer.

His manner was always that of a gentleman. He was straightforward, earnest and honest. His preparation was complete both in the law and in the facts. There was no subterfuge or trick or sharp practice. His adversary's rights were safe in his hands, but his adversary's defense must be well guarded and strong in order to escape his thoroughness and fidelity to his cause. No client ever had more

loyal or painstaking counsel. As a natural result he ranked high in the small group of not only the leading but the best lawyers in every sense of the word.

He was for years president of the Bar Association. His name was a synonym for the ideals of his profession. Alas! that in that profession, so vital an element in the complicated relations of life, its brightest ornaments are so soon forgotten, and that if I were to name, even at this bar meeting, any one of the leaders of the bar fifty or sixty years ago whose fame was then on everybody's lips, whose arguments attracted great crowds, and the scintillations of whose wit were quoted like household words, it would be to many here as unknown and as unmeaning as if it were a name on a selectman's door-plate in the North End of Boston a century ago!

In these latter days bodily infirmities had sapped Mr. Lincoln's physical strength, though leaving unimpaired the attractive face, the genial manner, the conversational cordiality and interest. In this latter time, too, he let go the former absorbing hold of professional duties. Partly in search of health, largely in

pursuit of more varied and cosmopolitan knowledge of men and the world, he had traveled extensively through Europe, in Egypt in which he specially delighted, and through our own West and Pacific coast.

Even in his most active professional days his life was not narrow, and he did not fail to render the service due from the good citizen. He never gave himself to a political career in the way of holding political office, and yet few men were more vitally interested in the political questions and exactions of the day. He had very decided convictions in this respect. He was not a hanger on the fence. He was an unusually devoted and loyal party man — a staunch Republican — and he argued the case of his party strenuously and sometimes with intense earnestness.

He served on the staff of Governor Talbot, to whom he was also a wise and influential counsel. He was president of the Talbot Woolen Company and of the Union and St. Botolph Clubs. He was one of the Trustees of the Boston Public Library. He was president of the Unitarian Club, thereby expressing his sympathy with the liberal religious faith, in

which he was born and reared, and with its steadily liberalizing and more and more free untrammeled thought. He was for many terms president of the Board of Overseers of Harvard College, in which after his graduation therefrom he had been an instructor.

In the social life of Boston he was a charm and a contributor. Many a circle recalls his rare combination of sound sense, large culture and happy humor. In a club of his classmates he was delightful in his reminiscences of college life. Not only his reminiscences but his comments on current men and things and his part in the lively discussions, which of course always arise on current men and themes, were marked by that singular directness and good sense and wholesome view which were characteristic of him. He was not a brilliant man in the pyrotechnic sense, or perhaps in the less resplendent sense, but he was all aglow with the steady and unflickering flame of a mind that always blazed clear. He was not an eloquent advocate in the sense of the thundering orator or scintillating rhetorician, but his speech was convincing and went straight to the heart of the issues. He

never put himself in the limelight of a popular figure, but he was an unfailing influence for good and wholesome things, and the world was better for his part in it. He was singularly free from anything smacking of sensationalism or claptrap. Some good men offend you by the apparent confidence on their part of their virtues and of the favor they bestow upon you in giving you an opportunity to observe them. There was nothing of this sort in Lincoln. One of the quaint rural philosophers of my boyhood in Maine — an inglorious but not mute Shakespeare rather than Milton — used to say of any person whom he regarded as a man of worth, "He was born right." Lincoln in his commendable career and example was simply giving unconscious expression to the natural qualities of his mind and heart.

His home, his domestic life, that great living-room of his with its wealth of books, its rare pictures on the wall and its notable collection of photographs gathered during native and foreign travel, and illustrative of European, Egyptian, oriental and insular scenes, and reproducing distant climes, landscapes, cus-

toms and buildings — all these, and the hospitable table around which it has been the delight of so many to sit in converse and comradeship, attest the memory of a private life radiant, liberal, refining, without a stain, the outcome of a pure heart and clean hands.

A native of Hingham, he inherited the flavor of that ancient town and community, and was a Puritan with the Puritan's virtues and none of the Puritan's narrowness. His ancestors, of his own famous name of Lincoln, were among its very first settlers. His father was its leading citizen, historian of the town; and the son came naturally by historical tastes which attracted him to this society. The father delivered the oration at the celebration of the 200th anniversary of the incorporation of the town; the son at that of the 250th.

It was an all-rounded life, the full corn in the ear. It certainly was a fortunate and blessed life in its birth, its education, its work, its fruition. Some of you were present in the room to which I have referred when the last tributes were paid to him. There he lay silent, but still with us. The funeral service, the best ordered, perhaps because the simplest, I ever

attended, was in keeping with the man — a room full of friends, gathered not in a chilling temple but around him in his home, into the windows of which the sunlight streamed. A fitting prayer from the lips of his pastor, who is so impressive in figure and voice and octogenarian years, so fertile and versatile — a living statue, in the flesh, of the Massachusetts Minute Man of our time — Edward Everett Hale; and then a few verses, recited by the younger associate minister, from "The Eternal Goodness" of Whittier, the one poet who has best and most enduringly embodied the spiritual and household heart of New England. Simplicity and sincerity are the best eulogy of Solomon Lincoln, because they were the man himself.

I cordially second, Mr. President, the tribute which Mr. Morse has offered in memory of this our beloved brother of the bar.

ADDRESS OF JOHN C. GRAY

Mr. President,

That our late friend was a man whose standard of personal character and professional honor was of the highest, and that he lived up to his standard, goes without saying; a man may gain for a short time an undeserved position at the bar, but no one can hold during a long life the place that Mr. Lincoln had in the estimation of his brethren and of the public without deserving it.

He was a learned lawyer and a skillful advocate, but his strongest quality was the sound sense which controlled his learning and guided his skill. Even as a young man he had that maturity of judgment which, if it comes at all, comes generally only by experience.

One's idea, that is worth anything, of a man comes from what one has seen. I have argued before the full court against Mr. Lincoln, but do not recall ever being opposed to him at a trial; but I had an excellent opportunity of late years of judging his quality in a protracted hearing where I sat as master or auditor, and

where Mr. Lincoln was one of the counsel, and I was much impressed with his conduct of the case. He heeded the words of the Preacher, "There is a time to keep silence, and a time to speak." He never said anything for the sake of saying something.

It was remarked of a certain member of our bar that all points of law were to him free and equal; that was not the cast of Mr. Lincoln's mind. He had the instinct for the jugular. He knew where to put out all his resources and all his force, and he knew what he could afford to let go by. He had great intellectual confidence.

Mr. Lincoln was a good friend and a charming companion, and there is one thing I want to emphasize: he was a kindly, charitable, large-minded man. He was fond of talking about lawyers, but I never remember to have heard from him a sneering or a malignant word.

ADDRESS OF LEWIS S. DABNEY

Fifty years ago last July, in the summer of 1857, Solomon Lincoln took his degree of A. B. at Harvard College. In the first week of the following September I entered college as a freshman. Shortly thereafter he dawned upon my horizon as a proctor, an officer who, by a freshman, was to be treated with much respect and regarded with more or less awe. He was deserving, of course, of all respect, but the awe was uncalled for. Lincoln never was, never could be, an offensive proctor. He was not tolerant of mischief or of naughtiness, but, unlike some others, he never showed the least inclination to magnify his office by making himself unnecessarily disagreeable. He was then and always a kind-hearted, sympathetic and genial gentleman, qualities that quickly impress themselves on boys, and Lincoln was, from the first, a popular proctor.

For quite a number of years after graduating I saw but little of Lincoln. He stayed on as a proctor and tutor at Cambridge, and when he began to practice law it was in Essex

County, while, after serving in the war, I had settled in Boston. Many years ago, however, the acquaintance begun between the proctor and the freshman at Harvard ripened into something much warmer, and Solomon Lincoln has long been one of my dear friends.

He has been easily one of the leading lawyers of his day, and the field of his practice has been wide. Modest and unassuming in manner, yet withal of a fine dignity, courteous and good tempered, he respected himself and accorded all due respect to others. He made of his clients admirers and friends, and while standing firmly for their rights, he aroused no bitter hostility in his adversaries. He made no enemies. He was given to conciliating differences, not to aggravating them, and was always ready for peace if it could be reached by concession which he deemed fair to his client.

There may be said to be two classes of lawyers: those whose work consists in giving opinions, advising in business affairs, drawing important instruments and attending to other matters in chambers, and those whose services are sought for the trial of causes at *nisi prius*

and the argument of questions of law to the Court. Although of late years he had retired somewhat from forensic practice, he for many years excelled in both fields. In the trial of causes his preparation was careful and thorough. He knew his case when he sat down to try it. By temperament he was well fitted for *nisi prius* practice. Calm and self-possessed, good-tempered, admirably poised and alert, he took a firm grasp of the important points of his case. In his cross-examination he was keen and thorough without the least taint of bullying or browbeating and was never irritating but always patient and courteous to opposing counsel and to the Court. His conspicuous fairness made him a dangerous adversary before a jury. Nature had stamped truth and honesty upon his face. In the argument of questions of law he was concise and accurate and his manner was convincing. To him all points of law were not, as they are to some, of equal value. His discrimination and fine sense of proportion showed him which were the ones to be pressed and which to be dealt with briefly or passed over altogether, so that he was never tedious.

In chambers his wide knowledge of law,

his sound judgment, his knowledge of men and large experience of affairs, and, last but not least, his uncommon supply of common sense made his opinions and advice of unusual value.

Mr. Lincoln's interests were by no means confined to his profession. He was not only a lawyer. He read much and traveled much, saw many countries and was well informed on many subjects besides law. His stores of information, ready wit and quiet humor gave a marked charm and interest to his conversation. He looked upon the world and upon men with charity. Although stern in condemnation of what he thought wrong or unjust, he never was given to sneering or indulged in spite.

To sum it all up, there has gone from among us, in Solomon Lincoln, a distinguished lawyer, a charming companion, a firm friend and an upright man.

ADDRESS OF HENRY M. ROGERS

In recalling Solomon Lincoln as I knew him, my first thought is that he was a good man; my second, that he was also a wise man, and that thereby his value to his kind was greatly enhanced. Because of these foundations, the manifestations of the man followed as the night the day; he was of necessity simple, direct, natural, transparent.

He had no factitious activity.

He had no self-exploitation.

Pathetic as it may seem, he knew nothing of the strenuous life, as we now see it interpreted.

He was simply a man, animated by high convictions of duty, moulding his life to his own ideals, according to his own self-made laws; walking among us a wise counselor, a loyal friend, a good citizen, a modest gentleman, for the term allotted to man by the Psalmist, fulfilling every trust — calm, judicious, judicial; and then, leaving us to continue his work elsewhere, in the beyond, where he was more

needed, among the other living called the dead.

If it be true that the wealth of a community is measured by the character of its citizens, then indeed was Solomon Lincoln a rich contribution to the Treasury of this Commonwealth.

I knew Solomon Lincoln for more than forty years. Strange as it may appear, he was my tutor in college for a time; afterwards we came together as office associates and continued so for eight or nine years, and during that time I knew him in the intimacy of every-day life and of the every-day practice of professional activity, and from that time on, under many circumstances and in various climes, until the last time we met, shortly before his death, and we were always friends.

I say of him, unreservedly, he was one of the best poised men I ever knew. He had no illusions; he had convictions. He did not exhibit much of what we call temperament. I missed in him sometimes that joy of living that belongs to some who feel the great throb and uplift of the Universal Life of which they know themselves a part, and which makes their

hearts sing and causes them to cry aloud with the mere animal enjoyment of living.

He had, instead, appreciation in full measure, and in Egypt, for example, he showed how greatly he could be stirred by the wonders of Luxor and the Temples of Karnac.

He was companionable, too, and had his full share of wit and humor, and I doubt not there are still extant papers worthy of Jerrold, which were read by him to his intimates, wherein he evolved the probable method of reaching decisions adopted by the Supreme Judicial Court, or urged the passage of a bill for the relief of Conveyancers.

I venture to tell an incident of his practice that he laughingly related to me, I believe on the day it occurred. He had just won a verdict for a defendant railroad, in a suit brought to recover for personal injuries. The counsel for the plaintiff, much surprised, perhaps chagrined, said to him, "Lincoln, I don't see how you won that case against me unless it be that you *seemed* so darned honest!" Lincoln's enjoyment of the emphasis on "*seemed*" was good to see. This side light on the character of the man is rather illuminating to me.

Emerson has told us that if you wish to seem to be a thing,—*Be it!* Lincoln seemed what he was. In his addresses to the Court or to a jury he was never perfervid—never oratorical. He had an ample vocabulary, a scholar's mind and a scholar's training, and his advocacy was sane, sensible, convincing and always honest; and courts and juries, too, trusted him, for character showed through every word he uttered.

And so we have said he has added to the wealth of mankind by living a good life: his influence will endure, whether we see him here among us or not, for in the gestation of the ages no good blow struck for good is struck in vain; the accumulated influences of good must play their part day by day with us. You cannot exclude the good of Lincoln's life from among us. It is enmeshed and entwined in the warp and woof of the best in this community, and you cannot separate it any more than with your own unaided eye you can separate the colors of that ray of sunlight into the revealed beauties of the prismatic spectrum.

And so he has passed on. Why mourn

him? He had full fruition in his lifetime. He had what should accompany old age — honor, love, obedience, troops of friends — and he knew it. The full fruit has been gathered — that is all. He could have had no more had he lived for a thousand years. Why mourn? The good that men do lives after them, Mark Antony to the contrary notwithstanding.

In thinking of Lincoln I have for some days been haunted by certain verses of an Arabian poet (ostensibly) who wrote "The Lay of the Higher Law." The rule of life he laid down must have been Lincoln's, consciously or unconsciously.

He says: —

"Do what thy manhood bids thee do, from
None but self expect applause:
He noblest lives, and noblest dies, who makes
And keeps his self-made laws.

"All other Life is living Death, a world where
None but Phantoms dwell,
A breath, a wind, a sound, a voice, a tinkling
Of the Camel-bell."

The resolution was thereupon adopted by a unanimous rising vote.

After this meeting, the Supreme Judicial Court convened, Mr. Justice Morton presiding, and the memorial was presented to the Court by Hon. Dana Malone, the Attorney-General of the Commonwealth.

SUPREME JUDICIAL COURT

Mr. Justice James M. Morton, Presiding

ADDRESS OF ATTORNEY-GENERAL MALONE

Solomon Lincoln, a member of the bar of this county, died on October 15, 1907.

The members of the bar of Suffolk County, in appreciation of his life and character, have adopted the following memorial, and have requested the Attorney-General of the Commonwealth to present the same to the Court.

Solomon Lincoln was preëminently the lawyer. He was successful in his profession because he had a knowledge of the law and of its application, which came to him from thorough preparation for a legal career, sound and almost unerring judgment, great common sense, assiduity and faithfulness in the pursuit of his profession, and long and varied experience in its practice. The characteristics which most impressed those of us who came

in contact with him were his mental poise, his power quickly to grasp a subject to which his attention was directed, and his unfailing courtesy to every one. To use his own words in speaking of another, he was "a refined and cultured gentleman."

Though his mental processes were most active and his conclusions quickly formed, there was always strength and serenity in his manner of thought and in his judgments, and he never gave utterance to a hasty or ill-considered opinion. In the trial of a cause he was especially thorough, remarkably quick in thought, and exceedingly able in the presentation of his case, combining both the knowledge and ability to state the law and the ability to persuade either Court or jury in regard to the facts.

In the court room Mr. Lincoln was always courteous and considerate of his opponents, expecting equal consideration from them, but calm and undisturbed even when he failed to receive it. He had a wonderful command of the English language, and his speech and diction under every condition and circumstance stood the test of the most critical analy-

sis. With him rapidity of thought and speech were joined with the utmost dignity of manner and expression. As a courteous and yet searching cross-examiner he had no equal, and possessed that intuitive knowledge essential to the cross-examiner of the point at which to stop. In full measure he enjoyed the confidence of the judges of the trial courts, a confidence due not only to his learning and ability, but in great part also to his invariably considerate treatment of the Court, and to the spirit of fairness with which he tried his cause. To Court or jury he made no statement of facts which he did not himself believe to be true. Argument and evidence he presented openly in the public discharge of his duty to Court and client, and he took no advantage of accidental opportunities to plead his cause in private. He had always in mind, as part of the high ideal he held of the law as a profession, how necessary it is for the dignified and honorable administration of justice that the courts should be regarded with respect and confidence by suitors and by the public, and accepted defeat, when it came to him, with equanimity, cheerfully acquiescing in the

decision without that criticism which might awaken doubt or distrust of its justice.

Although for years a leader, and perhaps at one time the leader, of the Suffolk Bar, there was in him no jealousy or fear of rivals, and he spoke always with sincere good-will and admiration of all those contemporaries who stood with him in the foremost rank of the profession. His characteristics, on the whole, were more those of a judge than an advocate or counsel, although in both of these lines he obtained eminent distinction; in fact, his character, dignity, integrity, ability and mental alertness would have made him a very strong justice or chief justice of this Court.

In his hours of relaxation he cultivated polite literature, never losing his intimate acquaintance with the models of ancient eloquence and taste, and he was to the last a student and lover of books. Among his friends he was kindly and fun-loving, and had, as one of them says, "the most genial and hearty laugh in the world when he heard or told an amusing story." In private theatricals, which he thoroughly enjoyed, he portrayed, among other

characters, "an upright and downright good fellow."

He had a very quick and tender sympathy for all who were in trouble of any kind, and his services and his purse were at the command of those of his friends who were in need of them. There are many who can bear witness to his generosity and kindness while president of the Board of Overseers of Harvard University, because through his good offices they were enabled to remain at Harvard.

Though we have lost him, his memory will yet remain with us, taking its proper place among those members of the bar — many of them, as he was, presidents of the Bar Association, men of the highest character, strong, earnest men — who have done so much for the law as a profession and have left brilliant examples of how the law should be practiced and administered. We come here to-day so that we may pay our respect to his memory. By recalling his virtues we may kindle anew our devotion to those principles of respect and loyalty to our profession for which the Bar Association of the City of Boston has always stood first and foremost.

And now, may it please the Court, I move that the memorial of the bar be entered upon the records of this Court, and that a copy be transmitted to the daughter of Mr. Lincoln.

REMARKS OF MR. JUSTICE JAMES M. MORTON

IN ACCEPTING THE MEMORIAL PRESENTED TO THE COURT

Mr. Attorney-General and Brethren of the Bar: The name of another member of this bar has been added to the roll of its honored dead, and we have met to render a final tribute to his memory. For him "the long day's work is done." Never again will these doors swing open to his touch, or these walls echo to his persuasive tones as he debates of things which, common though they be, lay hold on the eternal principles of justice.

For upwards of forty years Solomon Lincoln was a member of the bar of this Commonwealth, — practicing in its courts, appearing before legislative committees, advising in important matters, and meeting, as they arose, the varied demands of a busy professional life. He began the practice of his profession in Salem, in the office of Stephen B. Ives, Esq., the leader of the Essex Bar and one of the ablest lawyers in the State. A part-

nership was formed between Mr. Ives and himself which continued for many years, with offices in Salem and Boston. But for more than twenty years preceding his death Mr. Lincoln had lived and practiced in this city; and it was as a member of this bar that he became best and most widely known. It is not too much, I think, to say that at his death he was one of its acknowledged leaders. To have won such a position at this bar was of itself evidence of his capacity and quality. The bar recognizes no leadership except that which is competent to lead, and which has shown its fitness by the exhibition of powers and acquirements which command its deference and respect. In our brother's case the position was worthily won and as worthily held. During a long professional life, in which he often was engaged in contests which taxed his powers to the utmost and where the temptations to swerve from the path of rectitude must have been great, no suspicion of unfair or improper methods ever clouded his name. He scorned evasion and trickery with his whole soul. Himself sensible and sincere, he despised the very appearance of sham and

pretense. His integrity and honesty were no more to be questioned than the fact of his existence. They were a part of his being, inherited from a long line of ancestors born on the soil of Massachusetts and themselves a part of its honorable traditions. From them he inherited also the sound judgment and the firm and temperate will which, joined with the training acquired at school and college, and with the experience and knowledge which he gained of men and affairs, gave to his opinions, as time went on, an ever increasing value. Whoever sought his professional assistance was sure to receive sound and honest and judicious counsel, and to have his cause ably and persuasively presented to the Court and the jury. But that was not all. He knew, as every good lawyer learns to know, that there are times when discretion is the better part of valor, and that it often happens that in the conflict of opposing interests more is to be accomplished by wise concession than by contesting the issues raised to the bitter end. And more than that, remembering his own shortcomings and how liable we all are to err and how little the wisest can know, he

learned, what I believe to be the last and most difficult lesson of all, to view with a charitable eye the shortcomings of others, and to make just and proper allowance for their conduct. Though not perhaps a brilliant man, he possessed the solid qualities which win confidence and respect, and was free from the mean and petty vices of envy, jealousy, hatred and malice. If some of the things which I have said of him seem trite, it is well, it seems to me, to remember, in these days when trust obligations seem to rest lightly on many who assume them, that a leader of this bar owed his position, in part at least, to the fidelity with which he attended to the matters intrusted to his care.

He had, I imagine, little taste for political life, and he declined judicial preferment. But for many years he was chairman of the Board of Overseers of Harvard College, and he rendered valuable service as one of the Trustees of the Public Library in this city, and as chairman of the board.

Affable and dignified in manner, courteous and conciliatory to opponents, modest but firm, with a high sense of honor and an inde-

pendent and courageous spirit, he assisted in maintaining the high standard which this bar always has maintained. No one but a judge can know, I think, how valuable is the assistance of such a bar in determining the questions which are submitted to the Court; and few realize, it seems to me, the part which it plays in safe-guarding the liberties of the people and in protecting and preserving their rights.

It is one of the ironies of life that the death of even the most exalted personage will not cause so much as one withered leaf to fall. Another leader will succeed him who has gone, and the world will move on. But he will be remembered as a sound and able lawyer, an honorable gentleman and a good citizen; and some of us will not forget the friend whom we have lost.

The memorial, with a minute of these proceedings, will be recorded, and the Court will now adjourn.

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